

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**In Re: Brandon Yopp**

**Debtors.**

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**Chapter 13  
Case No. 24-49003  
Hon. Oxholm**

**DEBTOR'S MOTION TO EXTEND STAY BEYOND 30 DAYS PURSUANT TO  
11 USC sec. 362(C) (3) (B)**

- 1) The debtor, Brandon Yopp is an individual who has had a pending Chapter 13 case within the previous year that was dismissed, other than a case refilled under 11 USC sec. 707(b).
- 2) The debtor's prior Case No: 24-40667 was Chapter 13 which was filed on January 24, 2024 and was dismissed on August 27, 2024 on Docket #58.
- 3) Debtor's previous Chapter 13 Case was voluntarily dismissed due to debtor's hope of settling his debts outside of bankruptcy, due to the continued harassment of certain creditors within his Chapter 13 Case. Creditors had filed adversary proceedings resulting in Debtor having to spend additional time and money to defend the baseless claims.
- 4) Debtor had been led to believe that outside of the bankruptcy he would be able to have a reasonable discussion with the Creditor and come to a mutual agreement to settle the outstanding debt.
- 5) Upon the voluntary dismissal of his previous Chapter 13 Case the Creditor immediately filed default of judgment and refused to enter into any meaningful discussions of settlement. They further started garnishment proceedings, pushing Debtor right back into Chapter 13 Bankruptcy.

- 6) At the time of the dismissal of the prior case, there was not then pending any motion to modify, annul or for relief from the automatic stay pursuant to 11 USC 362 (4).
- 7) The pending case was filed on September 20, 2024, and the 30 day period for filing a motion and hearing will expire on October 20, 2024, pursuant to 11 USC sec. 362(C)(3)(B).
- 8) The present case was filed due to the concern of the debtor being garnished.
- 9) The debtors' present case is filed in good faith. The debtor offers the following evidence to rebut the presumption of filing not in good faith:
  - a) Debtor's previous case was voluntarily dismissed prior to the confirmation of his case as he was lead to believe he could settle with the one major creditor without having to spend additional time and resources to defend an adversary proceeding that has no merit.
  - b) Upon the dismissal of the Chapter 13 Case instead of entering into good faith negotiations to settle the debt, Creditor filed a default of judgment and immediately began garnishment proceedings, pushing debtor back into the Chapter 13 case.
  - c) A wage order has been entered with the Court.
- 10) A proposed order is attached as Exhibit B.

WHEREFORE, Debtors respectfully request that the court continue the automatic stay beyond the thirtieth day following the filing of this case and grant such other relief as the court in equity deems appropriate under the circumstances.

Dated: September 24, 2024

/s/Marguerite Hammerschmidt  
Marguerite Hammerschmidt P53908  
Attorney for Debtor  
70 W. Long Lake Rd., Suite 116  
Troy, MI 48098  
248-988-8335  
[admin@hammer-stick.com](mailto:admin@hammer-stick.com)

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**ORDER EXTENDING STAY BEYOND 30 DAYS**  
**PURUSANT TO 11 USC sec. 362(C) (3) (B)**

Upon the filing of Debtor's Motion to Extend Stay Beyond 30 Days Pursuant to 11 USC sec. 362(C)(3)(B), all parties having an opportunity to respond, and Oral Arguments having been heard;

IT IS HEREBY ORDERED AND ADJUDGED;

The Automatic Stay pursuant to 11 USC sec. 362 is hereby extended beyond the 30 days pursuant to 11 USC sec. 362(C)(3)(B) as to all creditors.

**Exhibit B**

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**CERTIFICATE OF SERVICE**

I, Marguerite Hammerschmidt, an employee of HS&A, PC, certify and state that on September 24, 2024, I served a copy of the Following documents on the United States Trustee, the Chapter 13 Trustee, David Wm Ruskin, the Debtor, Brandon Yopp, 55647 Worlington Lane South Lyon, MI 48178 and all creditors on the attached matrix, electronically or via first class mail.

1. Debtor's Motion to Extend the Automatic Stay beyond 30 days pursuant to 11 USC sec. 362 (C )(3)(B)
2. Notice of Motion
3. Documentation to support circumstances
3. Proposed Order
4. Affidavit of Debtors
5. Certificate of Service.

/s/ Marguerite Hammerschmidt  
Marguerite Hammerschmidt employee of  
HS&A, P.C.  
70 W. Long Lake Rd., Suite 116  
Troy, MI 48098  
(248) 988-8335